

1       The Invention

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3           In accordance with the invention, Applicant provides rubber animal toys which  
4 focus on the safety of an animal playing with the toy by:

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7       1.     Covering the rubber toy with a soft, compressible felt cover.

8       2.     Using a non-spherical shape which absorbs inertial energy associated

9                  with the toy by causing the toy to bounce erratically.

10      3.     Utilizing a core which seals a volume of compressible gas while at the

11                  same time forming an aperture which passes completely through the

12                  core.

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15       The Prior Art

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17           The *Koros et al* reference (U.S. 5,593,157) describes a spherical tennis ball.  
18       Koros et al. does not appear to suggest a non-spherical toy which bounces erratically when  
19       thrown.

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22           The *Garrison* reference (U.S. 3,830,202) describes a solid bowling pin shape  
23       with an aperture formed therethrough. Neither Koros nor Garrison appear to suggest  
24       forming an aperture through a tennis ball or other hollow object such that the volume  
25       surrounding the aperture is filled with a compressible gas and is sealed.

1       Commercial Success

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3              Commercial success, although not necessarily conclusive, is evidence of  
4 non-obviousness and patentability. The attached Declaration of Applicant submits  
5 evidence of significant commercial success.  
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8              Applicant is in China attending trade shows in Hong Kong and Canton and  
9 is now completing and returning the Declaration by Federal Express. As soon as  
10 Applicant's undersigned attorney receives the Declaration, it will be forwarded to the Patent  
11 Office by U.S. Express Mail.  
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13       Infringement  
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16              Applicant is first to have sold animal toys of the type described in the  
17 attached Claims. Applicant's invention is being infringed. Applicant is filing a Petition to  
18 Make Special to expedite prosecution of the application.  
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21              If the Examiner finds merit in the foregoing remarks and amendments, it is  
22 believed the application is in condition for allowance, and such action is earnestly solicited.  
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Respectfully submitted,

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18 Attorney's Docket No. 1019-P-1  
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## **APPENDIX II: Marked Up Versions**

Marked Up Versions

I.     Title:   None.

II.    Specification:       None.

III.   Claims:       None.

IV.    Abstract:      None.